

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

**CRR-30-2019 (O&M)
Date of Decision: 11.1.2019**

Nirmal Singh

.....PETITIONER(s).

VERSUS

Baljit Kaur

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Jigyasa Tanwar, Advocate
for the petitioner.

RAJ SHEKHAR ATTRI, J.(Oral)

This is a criminal revision petition against the impugned order dated 6.10.2018 passed by learned Sessions Judge, Bathinda, setting aside the order dated 11.1.2017 passed by learned Judicial Magistrate, 1st Class, Bathinda whereby the application filed by the petitioner under Section 125 of the Code of Criminal Procedure was overruled.

Heard.

Unfortunately, the petitioner and the respondent had lost their first spouse respectively. This is their second marriage. It is admitted that the petitioner was earlier owner of the agricultural land but he transferred 10 acres of land in the name of his sons from first marriage in the year 2012 who are settled in abroad.

Trial Court has awarded maintenance @ ₹ 10,000/- per month. The learned Counsel for the petitioner has vehemently contended that at present the petitioner has no moveable or immovable property but in view of the provisions contained under Section 39 of Transfer of Property Act, a property transferred by the petitioner has first charge on the maintenance of the wife.

It has been further argued that although the transfer deed was registered in the year 2012 but in fact the settlement was effected in the year 2008 but this is no ground to make interference in the impugned order.

In view of the above, no ground is made out for interference by this Court.

Dismissed.

January 11, 2019
Paritosh Kumar

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No